

Message Text

PAGE 01 STATE 238101

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TAGS:ETRD,GATT

SUBJECT: QUESTIONS FOR GATT WP ON EC-ACP AGREEMENT

THE MISSION SHOULD SUBMIT THE FOLLOWING QUESTIONS TO
THE GATT SECRETARIAT:

I. NON-STABEX QUESTIONS.

1. ARE THE PARTIES TO THE CONVENTION PREPARED TO NOTIFY
TO THE CONTRACTING PARTIES TO THE GENERAL AGREEMENT THE
SPECIFIC PRODUCTS AND CURRENTLY APPLIED TRADE MEASURES
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PAGE 02 STATE 238101

WHICH FALL WITHIN THE SCOPE OF ARTICLE 2, PARAGRAPH 2 AI
AND PARAGRAPH 2 AII OF THE CONVENTION? ARE THE PARTIES
TO THE CONVENTION PREPARED TO NOTIFY TO THE CONTRACTING
PARTIES TO THE GENERAL AGREEMENT CHANGES THAT OCCUR BY

INVOCATION OF ARTICLE 2, PARAGRAPH 2B OF THE CONVENTION?

2. IS THE COMMUNITY PREPARED TO NOTIFY TO THE CONTRACTING PARTIES OF THE GENERAL AGREEMENT THE MEASURES FALLING UNDER ARTICLE 5?

3. ARE THE CONTRACTING PARTIES TO THE CONVENTION WILLING TO SUBMIT A YEARLY REPORT TO THE CONTRACTING PARTIES OF THE GENERAL AGREEMENT?

4. DO THE CONTRACTING PARTIES OF THE CONVENTION CONTEMPLATE ADHERENCE OF ADDITIONAL SIGNATORIES?

5. THE CONVENTION STATES THAT EC IMPORTS OF CERTAIN AGRICULTURAL PRODUCTS COVERED BY THE CAP FROM THE ACP WILL BE UNDERTAKEN ON MORE FAVORABLE TERMS THAN ARE APPLICABLE TO IMPORTS FROM OTHER COUNTRIES.

A. WHAT ARE THE AGRICULTURAL PRODUCTS THAT WILL BE AFFECTED BY THE CONVENTION?

B. WHAT ARE THE TERMS THAT THE EC WILL APPLY TO THESE IMPORTS?

C. WHAT WAS THE TOTAL VALUE OF IMPORTS INTO THE EC OF THESE PRODUCTS FROM THE ACP COUNTRIES FOR EACH OF THE THREE MOST RECENT YEARS FOR WHICH STATISTICS ARE AVAILABLE?

6. WHAT IS THE PROPORTION OF TOTAL TRADE TO THE EC FROM THE ACP COUNTRIES WHICH IS DUTY FREE ON AN MFN BASIS?

7. WHAT WAS THE TOTAL VALUE OF IMPORTS INTO THE EC OF PRODUCTS ORIGINATING IN THE ACP IN EACH OF THE THREE MOST RECENT YEARS FOR WHICH STATISTICS ARE AVAILABLE?

UNCLASSIFIED

PAGE 03 STATE 238101

A. WHAT VALUE AND PERCENTAGE OF THE ABOVE WERE COMPRISED OF AGRICULTURAL PRODUCTS?

B. WHAT VALUE AND PERCENTAGE OF THE ABOVE WERE COMPRISED OF INDUSTRIAL PRODUCTS?

8. WHAT WAS THE VALUE (AND PERCENTAGE OF TOTAL IMPORTS) IN RESPECT OF THE FOLLOWING CATEGORIES OF DUTIABLE IMPORTS INTO THE EC OF PRODUCTS ORIGINATING IN THE ACP IN EACH OF THE THREE MOST RECENT YEARS FOR WHICH STATISTICS ARE AVAILABLE:

A. IMPORTS OF PRODUCTS ON WHICH CUSTOMS DUTIES AND

LEVIES WERE NOT IMPOSED?

B. IMPORTS OF PRODUCTS FOR WHICH CUSTOMS DUTIES CHARGES
HAVING EQUIVALENT EFFECT ARE TO BE REDUCED?

C. IMPORTS OF PRODUCTS FOR WHICH TARIFF QUOTAS OR
QUANTITATIVE RESTRICTIONS ARE NOT TO BE ELIMINATED?

9. WHAT VALUE AND PERCENTAGE OF (1) AGRICULTURAL
AND (2) INDUSTRIAL IMPORTS INTO THE EC FROM THE ACP
WILL BE SUBJECT TO PREFERENTIAL TARIFFS?

10. WHAT WAS THE TOTAL VALUE OF IMPORTS INTO THE ACP
OF PRODUCTS ORIGINATING IN THE EC IN EACH OF THE THREE
MOST RECENT YEARS FOR WHICH STATISTICS ARE AVAILABLE?

A) WHAT VALUE AND PERCENTAGE OF THE ABOVE WERE
COMPRISED OF AGRICULTURAL PRODUCTS?

B) WHAT VALUE AND PERCENTAGE OF THE ABOVE WERE
COMPRISED OF INDUSTRIAL PRODUCTS?

11. WHAT WAS THE VALUE (AND PERCENTAGE OF TOTAL IMPORTS)
IN RESPECT OF THE FOLLOWING CATEGORIES OF DUTIABLE
IMPORTS INTO THE ACP OF PRODUCTS ORIGINATING IN THE EC
IN EACH OF THE THREE MOST RECENT YEARS FOR WHICH
STATISTICS ARE AVAILABLE:

UNCLASSIFIED

PAGE 04 STATE 238101

A. IMPORTS OF PRODUCTS ON WHICH CUSTOMS DUTIES AND
LEVIES WERE NOT IMPOSED?

B. IMPORTS OF PRODUCTS FOR WHICH CUSTOMS DUTIES AND
CHARGES HAVING EQUIVALENT EFFECT ARE TO BE REDUCED?

C. IMPORTS OF PRODUCTS FOR WHICH TARIFF QUOTAS OR
QUANTITATIVE RESTRICTIONS ARE NOT TO BE ELIMINATED?

12. WHAT VALUE AND PERCENTAGE OF (1) AGRICULTURAL AND
(2) INDUSTRIAL PRODUCTS WILL BE FREE TO ENTER THE ACP
FROM THE EC WITHOUT PAYMENT OF DUTIES OR SUBJECT TO
OTHER RESTRICTIVE REGULATIONS OF COMMERCE?

13. DOES THE COMMUNITY INTEND TO APPLY THE PROVISIONS
OF ARTICLE 3:1 PERTAINING TO QUANTITATIVE RESTRICTIONS
TO OTHER COUNTRIES ON A MOST-FAVORED-NATION BASIS IN
ACCORDANCE WITH THE PROVISIONS OF GATT ARTICLE XIII?

14. IS IT THE INTENT OF ARTICLE 7 THAT PREVIOUS
OBLIGATIONS OF THE ACP COUNTRIES TOWARD MEMBER STATES
OF THE EC SUCH AS THOSE CONTAINED IN THE YAOUNDE

CONVENTION, THE ARUSHA CONVENTION, AND THOSE PREFERENCES SPECIFICALLY REFERRED TO IN GATT ARTICLE I ARE HEREBY NULL AND VOID? IF SO, DO THE VARIOUS ACP COUNTRIES INTEND TO ELIMINATE THOSE SPECIFIC PREFERENCES?

.5. IS IT THE SPECIFIC INTENTION OF THE PARTIES THAT ARTICLE 7 OF TITLE I, CHAPTER 1 BE APPLIED TO THE AGREEMENT OF PRODUCTS WITHIN THE PROVINCE OF THE EUROPEAN COAL AND STEEL COMMUNITY?

16. WILL THE PARTIES TO THE AGREEMENT ALSO COMMUNICATE THEIR RESPECTIVE CUSTOMS TARIFFS TO THE GATT AT THE SAME TIME AS TO THE COUNCIL OF MINISTERS (ARTICLE 8)?

17. WITH RESPECT TO ARTICLE 11:2, HAS THE COMMUNITY TO DATE NOTIFIED THE ACP COUNTRIES OF THE INTENTION OF CONCLUDING ANY PREFERENTIAL TRADE AGREEMENTS? IF SO, WITH WHOM ARE AGREEMENTS ENVISAGED?

II. STABEX QUESTIONS.
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PAGE 05 STATE 238101

18. COULD THE PARTIES TO THE CONVENTION GIVE ONE EXAMPLE OF HOW ARTICLE 17 PARAGRAPH 4 WILL OPERATE? WOULD THE COMMUNITY STABILIZE THE EARNINGS FROM ACP STATE EXPORTS TO THIRD MARKETS? WOULD THE PARTIES TO THE CONVENTION CONSIDER SUCH AN ARRANGEMENT AN EXPORT SUBSIDY IN THE SENSE OF ARTICLE XVI OF THE GENERAL AGREEMENT?

19. IF THIRD COUNTRY TRADE INTERESTS--EITHER EXPORT OR IMPORT--ARE AFFECTED BY THE OPERATION OF THE STABEX MECHANISM, WILL THE PARTIES TO THE AGREEMENT UNDERTAKE CONSULTATIONS IN THE GATT AT THE REQUEST OF ONE OR MORE GATT CPS?

20. WHAT RELATIONSHIP EXISTS BETWEEN INTERNATIONAL COMMODITY AGREEMENTS COVERING CERTAIN OF THE PRODUCTS LISTED AND THE STABEX ARRANGEMENT?

21. IS IT CORRECT THAT THE CONVENTION DOES NOT INVOLVE EXPLICIT ASSURANCES OF SUPPLY TO THE COMMUNITIES? DOES PROVISION TO MONITOR GLOBAL EXPORTS OF EACH COMMODITY IMPLICITLY ENTAIL ASSURANCE OF SUPPLIES?

22. DO THE PARTIES TO THE AGREEMENT VIEW THE AVAILABILITY OF STATISTICAL INFORMATION AS A HINDRANCE TO THE STABEX ARRANGEMENT? IF SO, HOW DO THEY PROPOSE TO OVERCOME THE PROBLEM?

23. WHAT CRITERIA WOULD DETERMINE A "SPECIAL CASE" AS MENTIONED IN ARTICLE 17:4?

24. WHERE THE STABEX SYSTEM APPLIES TO A PRODUCT IR-
RESPECTIVE OF DESTINATION, AS PROVIDED UNDER ARTICLE
17:4, THE OPPORTUNITY MIGHT BE CREATED FOR MARKET
PENETRATION SALES AT LOW PRICES TO THIRD COUNTRIES WITH
THE PRIOR KNOWLEDGE THAT THE EXPORT EARNINGS LEVEL WILL

BE SUPPORTED BY STABEX FUNDS, EFFECTIVELY PROVIDING A
FORM OF SUBSIDY FOR THAT PRODUCT. WHAT ACTIONS CAN
OR WILL BE TAKEN TO ELIMINATE THE POSSIBILITY OF SUCH
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PAGE 06 STATE 238101

SUBSIDIZATION OCCURRING?

25. WHAT IS THE MEANING OF THE PHRASE "..., FROM EACH
OF THE PRODUCTS CONSIDERED INDIVIDUALLY,..."IN
ARTICLE 19:2? IS IT CORRECT THAT THERE IS NO PROVISION
FOR AGGREGATING INDIVIDUAL COMMODITY EARNINGS TOTALS
TO COMPUTE STABEX PAYMENTS?

26. WHAT KIND OF TRADE POLICY MEASURES COULD BE DEEMED
TO "ADVERSELY AFFECT EXPORTS TO THE COMMUNITY IN
PARTICULAR" IN ARTICLE 19:4?

27. ARE THE CONTRACTING PARTIES TO THE CONVENTION
WILLING TO CONSULT WITH GATT CONTRACTING PARTIES WHOSE
TRADE MAY BE AFFECTED? ARE THE CONTRACTING PARTIES
TO THE CONVENTION WILLING TO INCORPORATE AGREED
MODIFICATIONS FROM THESE CONSULTATIONS? HOW WOULD
THE CONVENTION BE MODIFIED IF THAT WERE REQUIRED?

28. WHAT FORM WILL THE CERTIFICATION THAT IS
REQUIRED IN PARAGRAPH 5 OF ARTICLE 17 TAKE? WILL IT
BE BASED ON IMPORTATION DOCUMENTS OR EXPORT
CERTIFICATES?

29. UNDER WHAT CONDITIONS MIGHT THE AMOUNT OF THE
TRANSFER BE REDUCED AS REFERRED TO IN PARAGRAPH 4
OF ARTICLE 18?

30. WHAT MEASURES HAVE BEEN TAKEN IN THE STABEX
ARRANGEMENT TO PREVENT TRANSFER PAYMENTS EFFECTING
CHANGES IN OUTPUT WHICH MAY TEND TO AGGRAVATE RATHER
THAN ALLEVIATE PROBLEMS OF OVER-PRODUCTION AND
DECLINING PRICES?

31. HOW IS "SIGNIFICANT CHANGE" IN PARAGRAPH 4(B)
OF ARTICLE 19 DEFINED AND FOR WHAT PURPOSE IS
PARAGRAPH 4?

32. THE TRANSFER OF RESOURCES TO THE BENEFICIARY
COUNTRIES UNDER THE STABEX ARRANGEMENT MAY ALLOW THE
BENEFICIARY COUNTRIES TO MAINTAIN THE PRODUCTION

UNCLASSIFIED

PAGE 07 STATE 238101

CAPABILITY OF THE COMMODITIES WHILE PRODUCERS OF
THE NON-SIGNATORY DEVELOPING COUNTRIES WOULD BE
FORCED TO SHOULDER MOST OF THE ADJUSTMENT TO
WORLD MARKET CONDITIONS. ARE THE CONTRACTING PARTIES

WILLING TO TAKE INTO ACCOUNT THE EFFECTS OF THE
CONVENTION ON THIRD COUNTRIES?

THE MISSION TO THE EC MAY, IF IT PERCEIVES NO
OBJECTION, CONVEY THE ABOVE QUESTIONS TO APPROPRIATE
WORKING LEVEL OFFICIALS OF THE COMMISSION. KISSINGER

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